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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.733 OF 2007

Chandana Chakraborti ... Petitioner

Vs.

M.L. Dahanukr College of Commerce & Ors. ... Respondents

Mr. Mihir Desai for the petitioner.

Mr. B.V. Phadnis for respondent 3.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 25TH APRIL, 2007.

P.C.:-

1. We have heard Mr. Desai, the learned counsel appearing for the petitioner and Mr. Phadnis, the learned counsel appearing for respondent 3. Mr. Desai, the learned counsel for the petitioner states that he has served the other respondents. However, they are not represented.

2. The petitioner's main prayer in this petition is as under :

> *"(a) that this Hon' ble Court be pleased to issue a writ of mandamus, or a writ, order or direction in the nature of Mandamus directing the Respondents to issue a*

> *formal order treating the Petitioner as lecturer on probation from 18th July, 1994 and permanent from 17th July, 1996."*

3. Our attention is drawn to order dated 26/10/2004 passed by the Bench headed by the then Chief Justice in Writ Petition No.2614 of 2003 filed by the petitioner. Paragraph 4 of the said order is material, which reads thus :

> *"4. In this case, the petitioner has now been continuously working on this post for more than 10 years. Despite the clear instructions of the Government, the respondent had failed to dereserve the said post. Despite number of opportunities, reply has not been filed. In this view of the matter, we are left with no option but to dereserve the said post in accordance with G.R. No.BCC-1094/CR-57/94/16-b dated 5th December, 1994 and regularize the services of the petitioner from 18th July, 1994. We direct the Government to pass formal order in this matter within four weeks. In case the order is not passed, the concerned Secretary shall remain present in court. No further directions are necessary. This petition is accordingly disposed of."*

4. It is distressing to note that despite the direction given by the first court, respondent 5 – the State Government has not passed the formal order as directed.

5. In the circumstances, we direct respondent 5 – the State Government to comply with the directions given by the first court, which we have quoted hereinabove, within a period of four weeks from the date of receipt of this

order by respondent 5 – the State Government. The petitioner shall communicate this order to respondent 5 – the State Government. The petition is disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]